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State of Connecticut

LAW RELATING TO

Corrupt Practices at Elections

—WITH—

Amendments (in black face type)

PROPOSED BY COMMISSION

1907

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Publication

Approved by

The Board of Control.

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THE PRESENT CORRUPT PRACTICES ACT OF CONNECTICUT

WITH PROPOSED AMENDMENTS IN BLACK FACE TYPE.

An Act Concerning Corrupt Practices at Elections, Caucuses, and Primaries.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Chapter 280 of the public acts of 1905, is amended to read as follows:

Section 1. The provisions of this act shall apply to the election of all officers for whom ballots shall be cast pursuant to the provisions of Chapter 104 of the general statutes, as amended, and to the election of all officers to be voted for by the general assembly, by the board of aldermen or common council of any city, and by the warden and burgesses of any borough, to all caucuses and primary elections preliminary to any such other elections, **to School District Elections,** and to all candidates to be voted for at such elections, caucuses, and primary elections. The term "caucuses and primary elections" shall include: (a) all meetings **and elections** held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating

conventions of such delegates; and (c) caucuses of members of the general assembly, of the board of aldermen or common council of any city, and of the warden and burgesses of any borough. Any person shall be deemed to be a candidate for the office of senator of the United States for whom ten or more votes shall have been cast either at a legislative caucus, or at a regular election by the general assembly.

Sec. 2. The term "political committee" shall include every committee or combination of three or more persons to aid or promote the success or defeat of any political party or principle in any such election, or to aid or take part in the nomination or election of any candidate for public office. The term "treasurer" shall include all persons appointed by any political committee to receive or disburse moneys to aid or promote the success or defeat of any such party, principle, or candidate. The term "political agent" shall include all persons appointed by any candidate before any such election, caucus, or primary election to assist him in his candidacy. No person shall act as any such treasurer or political agent unless, after his appointment and before the **caucus, primary** or election for which he is appointed, a writing designating him as such treasurer or political agent shall be filed with the secretary of the state, except that, in case the duties of such treasurer or political agent shall relate to any town, city, ward, borough, or school district election exclusively, or to any caucus or primary election preliminary thereto, such writing shall be filed with the town clerk of the town within which such candidate resides instead of with said secretary of the state. Every such writing shall designate the particular period, election, caucus, or primary election during which such treasurership or political agency shall continue. Nothing in this act shall prevent the treasurer or political agent of any organization or candidate from being the treasurer or political agent of any other organization or candidate, and any candidate for public office may designate himself as his own political agent.

Sec. 3. Any person nominated as a candidate for public office **or a candidate for such nomination**, may make a vol-

untary payment of money to any treasurer or political agent, **for any of the purposes permitted by this act,** provided, however, that no person, other than such a candidate shall, to aid or promote the success or defeat of any political party or principle, or of any candidate for public office, **or of any candidate for nomination as such,** within six months prior to any such election make a contribution of money or property **or incur any liability or promise any valuable thing** to any person other than to a treasurer or political agent. Nothing contained in this act shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the results of any such election.

Sec. 4. No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus, or primary election, except that a candidate may pay his own expenses for postage, telegrams, telephoning, stationery, printing, expressage, and traveling; but the provisions of this section shall not apply to non-partisan election and ante-election expenses paid out of the public moneys of the state, or of any town, city, or other municipality.

The payments, expenditures, promises and liabilities, which any candidate for nomination or election, or both, may make or incur directly or indirectly under this or the preceding section, shall not exceed in the whole fifteen dollars for each one thousand (or major portion thereof) of the registered voters qualified to vote for the office in question at the next preceding election therefor, except that such candidate may expend twenty-five dollars for said purposes; provided that no candidate for nomination or election to any office included in the provisions of this act, except offices the election to which is held under the provisions of Chapter 104 of the General Statutes as amended, shall make any contribution, payment, expenditure, or promise, or incur any liability, to further his own candidacy or for any other political purpose, except for his own expenses for postage, telegrams, telephoning, stationery, printing, expressage, or travel.

No contributions or payments or favors of any kind shall be made or extended by or solicited from any private corporation or judicial officer, except Judges of Probate, to promote the success or defeat of any candidate for public office or of any political party or principle, or for any other political purpose whatever.

Sec. 5. Subject to the foregoing limitations, it shall be lawful for any treasurer or political agent, in connection with any election, caucus, or primary election, to pay the following expenses: (a) of hiring public halls and music for conventions, public meetings, and public primaries, and for advertising the same by posters or otherwise; (b) of printing and circulating political newspapers, pamphlets, and books; (c) of printing and distributing ballots and pasters; (d) of renting rooms to be used by political committees; (e) of compensating clerks and other persons employed in committee rooms and at the polls; (f) for the travel of political agents, committees and public speakers; (g) of necessary postage, telegrams, telephoning, printing, express and conveyance charges for carrying sick and infirm persons to and from the polls; (h) of preparing, circulating and filing petitions for nomination, except that under sub-divisions (c) and (e) no liabilities shall be incurred or payments made by political agents for distributing ballots or pasters, or for clerks or other persons employed in committee rooms or at the polls, and no liabilities shall be incurred by any political committee, or payments made by its treasurer for those purposes at any one voting district or precinct directly or indirectly to more than five persons altogether, with one additional for each two hundred voters there registered, and such liabilities shall be incurred and payments made there by only one political committee of any party, which shall be the committee appointed for that purpose under the rules and customs of that party. No treasurer or political agent shall incur any expense or liability or make any payment for any purpose not authorized by this section, and every liability incurred and payment

made shall be at a rate which is proper and reasonable and fairly commensurate with the service rendered.

Sec. 6. Within fifteen days after any such election, every treasurer and every political agent shall file an itemized sworn statement with the officer with whom his designation was filed as aforesaid which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received or by whom it was promised, the amount of every expenditure made or liability incurred, the name of the person to whom such expenditure or promise was made, and shall clearly state the purpose for which such money or property was so expended or promised, separating the expenditures for caucuses, primaries and elections. Any treasurer or political agent, who shall fail to file such a statement within the time required, shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court.

Sec. 7. Every candidate for public office, including candidates for the office of senator of the United States, shall, within fifteen days after the election at which he was a candidate, file with the secretary of the state, if a candidate for senator of the United States, representative in congress, or any other state, county, or probate office, or state senator, but with the town clerk of the town in which he resides if he was a candidate for representative in the general assembly or for a town, city, ward, borough, or school district office, an itemized, sworn statement setting forth in detail all the moneys contributed, expended, or promised by him to aid and promote his nomination or election, or both, as the case may be, or for any other political purpose, and all existing unfulfilled promises or liabilities in that connection remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises, or liabilities were made or incurred before, during, or after such election. If no money or other valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for

public office to aid or promote his nomination or election, or for any political purpose he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such a statement within the time required shall be fined twenty-five dollars for every day on which he is in default, unless he shall be excused by the court. Twenty days after any such election the secretary of the state or the town clerk, as the case may be, shall notify the proper prosecuting officer of any failure to file such a statement on the part of any candidate, or treasurer or agent and within ten days thereafter such prosecuting officer shall proceed to prosecute for such offenses.

Every unsuccessful candidate for nomination for any of the public offices above referred to, if he knew of his candidacy, shall file with the corresponding officer the same kind of an itemized sworn statement as is above required of candidates for public office within fifteen days after the nomination in question was made, and, if he fails so to do, he shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court.

The Secretary of State, or the town clerk, as the case may be, shall give the same notification with reference to a failure to file these notices as is above provided in case of candidates, and the prosecuting officers shall act accordingly.

Every delegate to a nominating convention shall within fifteen days after such convention, file with the town clerk of the town in which he resides an itemized sworn statement of the expenses incurred by him or on his account in connection with such convention and in connection with his appointment as delegate thereto, and shall state who paid them, and, if no such expenses were incurred, he shall so state, and, if for any such expenses paid or incurred by himself he has been reimbursed or promised reimbursement, he shall so state and by whom.

Any delegate who shall fail to file such a statement shall be fined ten dollars for each day on which he is in default, and the proper prosecuting officer on learning thereof shall within ten days thereafter prosecute him therefor.

Sec. 8. All statements filed in accordance with the provisions of this act shall be preserved for fifteen months after the election to which they relate, and shall, during said period, be open to public inspection.

Sec. 9. The Secretary of the state shall, at the expense of the state, provide every town clerk with blank forms suitable for such statements.

Sec. 10. No person elected to any office established by the constitution or laws of this state shall receive any salary or emolument for the period during which he shall have failed to file such statement.

Sec. 11. The following persons shall be guilty of corrupt practices and shall be punished in accordance with the provisions of this act:

(a) Every person who shall directly or indirectly by himself or by another give or offer or promise to any person any money, gift, advantage, preferment, entertainment, aid, emolument, or any valuable thing whatever for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure at any election, caucus, convention or primary election. (b) Every person who shall, directly or indirectly, receive, accept, request, or solicit from any person, committee, association, organization, or corporation any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus, or primary election. (c) Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus, or primary election. (d) Every person, other than the political committees known as the national, congressional, state, town, city, ward,

and borough committees, who shall solicit from any candidate for the office of elector of president and vice-president of the United States, of senator of the United States, of representative in congress, or of any state, county, probate, town, city, ward, borough, or school district office, any money, gift, contribution, emolument, or other valuable thing for the purpose of using the same for the support, assistance, benefit, or expenses of any club, company, or organization, or for the purpose of defraying the cost or expenses of any political campaign or election. (e) Every person who shall, directly or indirectly, pay, give, contribute, or promise any money or other valuable thing to defray, or towards defraying, the cost or expenses of any campaign or election to any person, committee, company, club, organization, or association other than to a treasurer or a political agent; but this sub-section shall not apply to any expenses for postage, telegrams, telephoning, stationery, printing, expressage, or traveling incurred by any candidate for office or for nomination thereto, **so far as they are permitted by this act.** (f) Every person who, in order to secure or promote his own nomination or election as a candidate for public office, **or that of any other person**, shall, directly or indirectly, promise to appoint, or promise to secure or assist in securing the appointment, nomination, or election of any other person to any public position, or to any position of honor, trust, or emolument; provided, however, that any person may publicly announce his own choice or purpose in relation to any appointment, nomination, or election in which he may be called to take part, if he shall be nominated for or elected to any public office. (g) Every person who shall, directly or indirectly, by himself or through another person, make a payment or promise of payment to a treasurer or political agent in any other name than his own, and every treasurer or political agent who shall knowingly receive a payment or promise of payment, or enter or cause the same to be entered in his accounts, in any other name than that of the person by whom such payment or promise of payment is made. **(h) Every person**

who shall violate any of the provisions of Sections 3, 4 and 5 of this act.

Sec. 12. At any time within thirty days after any such election, any elector or voter at such election, upon giving bonds for prosecution as in civil actions, may present to any judge of the superior court a petition setting forth under oath, upon information or upon personal knowledge, that corrupt practices, contrary to the provisions of any section of this act, were committed at or preliminary to such election, naming the successful candidate as defendant, and praying that the facts alleged may be inquired into. If such judge shall be of the opinion that the interests of public justice require such proceeding, he shall order reasonable notice of such petition to be given the defendant and shall notify the chief justice of the supreme court of errors of such petition. The chief justice shall designate an additional judge to hear such petition in conjunction with the judge to whom the petition was presented, and, in case of the latter's disqualification or inability, the chief justice shall appoint two judges to hear such petition. Such petition shall be tried without a jury, and the petitioner and all candidates at such election shall be entitled to appear and be heard as parties. In case such petition relates to the election of electors of president and vice-president of the United States, a senator of the United States, a representative in congress or in the general assembly, or of any officer the votes for whom are to be counted by the state treasurer, secretary of the state and comptroller, the trial judges shall have no power to declare any such election to be void, but shall file their joint finding as to whether or not the successful candidate, or his political agent, was so guilty of corrupt practices, with the secretary of the state, together with the transcript of the evidence. In case such petition relates to any other office, the trial judges shall file with the governor their joint decision as to whether or not the successful candidate, or his political agent, was so guilty of corrupt practices, and as to whether or not such election was void as hereinafter provided. If

said judges differ as to whether any such candidate, in person or in the person of his political agent, was so guilty, or whether any such election was so void, they shall so certify to the secretary of the state, or to the governor, as the case may be, and they shall also file a transcript of the evidence with such certificate. In case any such joint decision so to be filed with the governor shall decide that any such successful candidate, so petitioned against, was, in person or in the person of his political agent, so guilty of corrupt practices, such election shall be void, except as hereinafter provided; and in case of any such void election, the governor shall, within ten days after the receipt of such decision, issue a writ for a new election to be held within forty days after the issuance of such writ.

If any candidate shall have been so jointly found or decided to have been so guilty, in person, of corrupt practices, he shall be ineligible to election or appointment to any public office for the period of four years; but the mere finding or decision that his political agent was so guilty shall not render him ineligible to office. But where the trial judges or one of them shall decide or certify that any such successful candidate was guilty of corrupt practices only in the person of his agent, and that (a) no corrupt practice was committed by the candidate personally and the offense was committed contrary to his order and without his sanction or connivance; (b) such candidate took all reasonable means for preventing the commission of corrupt practices; (c) the offense was of a trival, unimportant, and limited character; and (d) in all other respects such election was free from any corrupt practice on the part of such candidate, and of his political agents, then the election of such candidate shall not be void, nor shall the candidate be subject to any ineligibility therefor. Costs may be taxed as in equity, and the trial judges shall have power to tax double, treble, or quadruple costs against the petitioner if they shall find that the allegations of his petition are materially untrue, and that his petition was brought from vexatious or malicious motives. An appeal may be taken on questions of law from any decision relative to the

ineligibility to public office of any such candidate, but no appeal shall lie from any decision holding that any such election was or was not void.

Sec. 13. Any state referee, any judge of the superior court, or the judge of any court of common pleas, may, upon the written request of any state's attorney, prosecuting attorney of any criminal court of common pleas, or of the district court of Waterbury, conduct an inquiry as to whether any crime has been committed concerning any matters mentioned in such request, within the jurisdiction of such state's attorney or prosecuting attorney making such request, and shall have power, by subpoena issued by him, to compel the attendance before him of any person as a witness; and such person, having been sworn as a witness, may be examined relative to any matters under investigation as aforesaid. And such referee or judge shall also have power, by subpoena duces tecum, issued by him, to compel the production before him, for examination, of any books or papers of any kind, or of any other thing which he may require in the conduct of such inquiry. Such referee or judge shall have power, by a capias issued by him, to cause any person who shall neglect or refuse to appear before him as a witness, having been duly summoned, to be brought before him; and any person in attendance as a witness who shall refuse to be sworn as a witness, or who, being sworn, shall refuse to answer any proper question propounded to him, and any person who, having been duly summoned, shall neglect or refuse to appear before such referee or judge, may be adjudged guilty of contempt and may, by such referee or judge, be fined not more than twenty-five dollars, or imprisoned not more than thirty days, or both.

In any proceeding held under the provisions of this or the preceding section no witness shall be excused from answering any question or producing any book, paper, or other thing on the ground or claim that his answer or the thing produced by him may tend to degrade or incriminate him or render him liable to a penalty or forfeiture, but his said answer or the thing produced by him shall not be used in

any proceeding against him except in a prosecution for perjury in so testifying.

Sec. 14. Such referee or judge, in the conduct of any such inquiry, may, in his discretion, employ a competent stenographer to take down the examination of any witness or witnesses, and cause the stenographic notes of such examination to be transcribed and furnished to any proper prosecuting officer having jurisdiction of the subject-matter of such inquiry; and such referee or judge may require the attendance and assistance at any such inquiry and in procuring the attendance of witnesses, of any sheriff, deputy sheriff, state policeman, constable, or police officer, who shall be allowed such compensation as such referee or judge shall deem reasonable.

Sec. 15. Such referee or judge shall return to the clerk of the superior court of the county wherein such inquiry is held, an account of all expenses incurred in the discharge of his duties, including witness fees, which account said clerk shall submit to the state's attorney for such county, who shall endorse the same, if correct, or such items thereof as are correct, and the sums so endorsed shall be paid by the state on an order therefor by such clerk.

Sec. 16. Every person who shall violate any of the provisions of this act, or who shall be guilty of any corrupt practice, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both, and, if he were a candidate for nomination or election, he shall be ineligible to any public office for the period of four years, provided, however, that this section shall not apply to violations of any of the provisions of sections 6, 7, or 9 of this act.

Any person who, whether officially or otherwise, donates or uses any money or other valuable thing belonging to a private corporation for political purposes or as director or stockholder votes for or sanctions such donation, shall be fined not more than one thousand dollars, or imprisoned not more that one year or both.

The venue for prosecutions under this chapter shall be determined either by the place where the wrongful act was committed or by the residence of the accused as the prosecuting officer may elect.

Sec. 17. Sections 1694, 1695, as amended 1696, 1697, and 1698 of the general statutes, and all acts and parts of acts inconsistent herewith, are hereby repealed, and all prosecutions and proceedings heretofore begun under the provisions of this act now amended may be continued and defended to final effect.

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